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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/626,792	CHERITON, DAVID R.
Office Action Summary	Examiner	Art Unit
	JEFFREY M. RUTKOWSKI	2473

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>23 February 2010</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,4-10,17-45,47-59,61-72,74-81,83,85 and 87-93</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,4-6,9,10,17,18,23,24,27-39,42,44,45,47-59,61-72, 74-81,83,85 and 87-92</u> is/are rejected.

7) ☒ Claim(s) <u>7,8,19-22,25,26,40,41,43 and 93</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>24 July 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a) ☐ All b) ☐ Some * c) ☐ None of:

  1. ☐ Certified copies of the priority documents have been received.

  2. ☐ Certified copies of the priority documents have been received in Application No. _____.

  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claims 2-3, 11-16, 46, 60, 73, 82, 84 and 86 have been cancelled.

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 02/23/2010 has been entered.

Claim Objections

2.   **Claim 18** is objected to under 37 CFR 1.75(c), as being of improper dependent form for

failing to further limit the subject matter of a previous claim. Applicant is required to cancel the

claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the

claim(s) in independent form. According to **claim 1**, the bit entry fields are used to designate

each DPM as current or previous.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

4.   **Claims 1, 4-10, 17-45, 47-59, 61-72, 74-81, 83, 85 and 87-93** are rejected under 35

U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and

distinctly claim the subject matter which applicant regards as the invention.

5.   The term "substantially equal" in **claims 1, 36, 55, 68 and 81** is a relative term which

renders the claim indefinite. The term "substantially equal" is not defined by the claim, the

specification does not provide a standard for ascertaining the requisite degree, and one of

ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 101

6.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

7.   **Claims 68-72 and 74-80** are rejected under 35 U.S.C. 101 because the claimed invention

is directed to non-statutory subject matter. The computer-readable storage medium would

include signals because the specification does not limit the scope of the computer readable

storage medium to non-transitory embodiments (see paragraph 0067). The Examiner suggests

changing the "computer-readable storage medium" to "non-transitory computer-readable storage

medium".

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

9.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

        1.   Determining the scope and contents of the prior art.
        2.   Ascertaining the differences between the prior art and the claims at issue.
        3.   Resolving the level of ordinary skill in the pertinent art.

      4.   Considering objective evidence present in the application indicating obviousness
            or nonobviousness.

10.   **Claims 1, 4-6, 9-10, 17-18, 23, 27-30, 36-39, 42, 44-45, 47-49, 55-59, 61-63, 68-72 and**

74-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aguilera et al. (US Pg Pub

2005/0022009), hereinafter referred to as Aguilera, in view of Milliken (US Pg Pub

2003/0115485) and Cornett, JR et al. (US Pg Pub 2003/0189916), hereinafter referred to as

Cornett.

11.   For **claims 1, 36, 55, 68 and 81**, Aguilera suggests *a duplicate packet map (DPM)* (bit

arrays **26, 28 and 30**; see figure 2), *wherein said DPM comprises first DPM field* (epoch 7831)

comprising a first plurality of bit entries (bit array **28** is assigned to epoch 7831; see figure 2), *a*

second DPM field (epoch 7832) *comprising a second plurality of bit entries* (bit array **26** is

assigned to epoch 7832; see figure 2), *said first DPM field is designated as a previous time*

interval field (epoch 7831 is the previous time interval; see paragraph 0016), *said second DPM*

field is designated as a current time interval field (epoch 7832 is the current time interval; see

paragraph 0016), *said previous time interval field corresponds to a previous time interval, said*

current time interval field corresponds to a current time interval (the epochs are time intervals;

see paragraph 0016), *said previous time interval occurs before said current time interval* (epoch

7831 preceded epoch 7832; see paragraph 0016), *said previous time interval is distinct from said*

current time interval (Aguilera suggests the epochs are distinct because each epoch is assigned a

distinct identifier; see figure 2) *and a DPM bank* (bloom filter), *wherein said DPM bank is*

configured to store a plurality of DPMs and said plurality of DPMs comprises said DPM (the bit

arrays **26, 28 and 30** are stored in a bloom filter; see paragraph 0016).

12.   Aguilera discloses *a packet summary value (PSV) generator* (CPU **62** executing software

code; see paragraph 0027), *wherein said DPM* (bloom filter) *is coupled to said PSV generator*

(the bit arrays **26, 28 and 30** of the bloom filter are stored in RAM **66**; see paragraph 0027.

Figure 5 shows CPU **62** is coupled to RAM **66**), *said PSV generator is configured to, responsive*

to receiving a packet, generate a hash value (see paragraph 0017). Aguilera does not disclose the

source of the hashed value. Milliken discloses a hash value that is generated by *extracting data*

from said packet (hash values are generated from the payload of a packet; see paragraph 0046),

and calculate a PSV using said data from said packet by virtue of being configured to generate

hashed data by hashing said data from said packet using a hashing function (the payload is used

to generate a hash value; see paragraph 0046), *wherein said PSV corresponds to said hashed*

data, said DPM is configured to receive said PSV (the hash values are stored in hash memory

320; see paragraph 0050). It would have been obvious to a person of ordinary skill in the art at

the time of the invention to use Milliken's hashing method in Aguilera's invention to detect

network worms and viruses (Milliken, title).

13.   Aguilera discloses each epoch is based on the current time and previous time interval (see

paragraph 0015). Aguilera does not disclose epochs that have the same interval durations.

Cornett discloses *said previous time interval is substantially equal in duration to said current*

time interval (figure 3 shows epochs that have the same interval duration). It would have been

obvious to a person of ordinary skill in the art at the time of the invention to use substantially

equivalent duration time intervals in Aguilera's invention to establish traffic channels (Cornett,

title).

14.   Specifically for **claim 55**, Aguilera discloses *a processor* (CPU **62**; see figure 5)*; a computer readable medium* (RAM **66** and ROM **64**) *coupled to said processor* (figure 5 shows the CPU **62**, RAM **66** and ROM **64** are coupled)*; and computer code* (software code)*, encoded in said computer readable medium* (the software code is encoded in the ROM **64**; see paragraph 0027).

15.   For **claims 4 and 17**, Aguilera discloses *wherein said DPM* (bit arrays **26, 28 and 30**; see figure 2) *is implemented as a Bloom filter* (the bit arrays **26, 28 and 30** are part of a bloom filter; see paragraph 0016).

16.   For **claim 5**, Aguilera discloses *wherein a bit entry of each said first and second DPM fields corresponds to said PSV* (each bit in the bit arrays corresponds to a hash value; see paragraph 0017 and figure 3 step 46).

17.   For **claim 6**, Aguilera discloses *said PSV comprises a third plurality of bit entries* (the hash value can have any number of bit entries; see figure 3 item 42)*, and each bit entry of said first and second DPM fields corresponds to a bit in said third plurality of bit entries of said PSV* (each bit of the hash function corresponds to a bit in the bit arrays; see figure 3 item 46).

7.   For **claims 9 and 29**, Aguilera discloses the use of hashing functions (see paragraph 0012). Aguilera does not disclose the use of CRC checks. Milliken discloses *said PSV generator* (hash processor **310**) *is configured to calculate said PSV using a cyclic redundancy check (CRC) calculation* (the hashing algorithms used by the hash processor **310** include CRC; see paragraph0047) *and said data from said packet is path-independent* (the hashing is performed on the payload of the packet; see paragraph 0046. The payload of the packet does not define the path a packet will take). It would have been obvious to a person of ordinary skill in

the art at the time of the invention to use Milliken's hashing method in Aguilera's invention to

detect network worms and viruses (Milliken, title).

8.   For **claim 10**, Aguilera discloses the use of hashing functions (see paragraph 0012).

Aguilera does not disclose the use of CRC checks. Milliken discloses *the data from said packet*

excludes header and trailer information (the hashing is performed on the payload of the packet;

see paragraph 0046). It would have been obvious to a person of ordinary skill in the art at the

time of the invention to use Milliken's hashing method in Aguilera's invention to detect network

worms and viruses (Milliken, title).

18.   For **claims 18, 47, 61 and 74**, Aguilera discloses *a first one of said DPMs is designated*

as a current DPM (the bit array **26** is assigned to current epoch 7832; see figure 2)*, and a second*

one of said DPMs is designated as a previous DPM (the bit array **28** is assigned to the previous

epoch 7831; see figure 2 and paragraph 0016).

19.   For **claim 23**, Aguilera discloses *said PSV generator is coupled to each of said DPMs*

(the CPU **62** is coupled to the bit arrays of the bloom filter via RAM **66**; see paragraph 0027).

20.   For **claim 27**, Aguilera discloses *a packet summary value (PSV) generator* (CPU **62**

executing software code; see paragraph 0027)*, wherein said DPM* (bloom filter) *is coupled to*

said PSV generator (the bit arrays **26, 28 and 30** of the bloom filter are stored in RAM **66**; see

paragraph 0027. Figure 5 shows CPU **62** is coupled to RAM **66**)*, said PSV generator is*

configured to, responsive to receiving a packet, generate a hash value (see paragraph 0017).

Aguilera does not disclose the source of the hashed value. Milliken discloses a hash value that is

generated by *extracting data from said packet* (hash values are generated from the payload of a

packet; see paragraph 0046)*, and calculate a PSV using said data from said packet by virtue of*

being configured to generate hashed data by hashing said data from said packet using a hashing

function (the payload is used to generate a hash value; see paragraph 0046)*, wherein said PSV*

corresponds to said hashed data, said DPM is configured to receive said PSV (the hash values

are stored in hash memory **320**; see paragraph 0050). It would have been obvious to a person of

ordinary skill in the art at the time of the invention to use Milliken's hashing method in

Aguilera's invention to detect network worms and viruses (Milliken, title).

21.   For **claim 28**, Aguilera discloses *said DPM is further configured to indicate that said*

PSV matches a PSV stored in said DPM (see figure 1 step 14).

22.   For **claim 30**, Aguilera discloses *a packet processing unit, said packet processing unit*

comprising said PSV generator (CPU **62** executes software to implement the hashing functions;

see paragraph 0027).

23.   For **claims 37, 56 and 69**, Aguilera discloses *indicating said packet is said duplicate*

packet, if said determining determines said packet is said duplicate packet (if a hash value

matches all bits in a bloom filter, the packet is considered to be a duplicate; see paragraph 0013

and figure 1).

24.   For **claim 38**, Aguilera suggests *dropping said packet, if said packet is said duplicate*

packet (if the packet is a duplicate, the server does not process the request; see figure 1).

25.   For **claims 39, 57 and 70**, Aguilera discloses *comparing said PSV to said first DPM*

field, and comparing said PSV to said second DPM field (see item 14 of figure 1).

26.   For **claims 42, 58 and 71**, Aguilera suggests *selecting a bit entry of said first DPM field*

based on said PSV a and selecting a bit entry of said second DPM field based on said PSV (the

CPU **62** searches through all the bit arrays in the bloom filter to find a match; see figure 1 step 14).

27.   For **claim 44**, Aguilera discloses *setting said value of said corresponding bit entry of said first plurality of bit entries if said packet is not said duplicate packet* (see figure 1 step 18).

28.   For **claim 45, 59 and 72**, Aguilera discloses *a packet summary value (PSV) generator* (CPU **62** executing software code; see paragraph 0027)*, wherein said DPM* (bloom filter) *is coupled to said PSV generator* (the bit arrays **26, 28 and 30** of the bloom filter are stored in RAM **66**; see paragraph 0027. Figure 5 shows CPU **62** is coupled to RAM **66**)*, said PSV generator is configured to, responsive to receiving a packet,* generate a hash value (see paragraph 0017). Aguilera does not disclose the source of the hashed value. Milliken discloses a hash value that is generated by *extracting data from said packet* (hash values are generated from the payload of a packet; see paragraph 0046)*, and calculate a PSV using said data from said packet by virtue of being configured to generate hashed data by hashing said data from said packet using a hashing function* (the payload is used to generate a hash value; see paragraph 0046)*, wherein said PSV corresponds to said hashed data, said DPM is configured to receive said PSV* (the hash values are stored in hash memory **320**; see paragraph 0050)*; said PSV generator* (hash processor **310**) *is configured to calculate said PSV using a cyclic redundancy check (CRC) calculation* (the hashing algorithms used by the hash processor **310** include CRC; see paragraph0047) *and said data from said packet is path-independent* (the hashing is performed on the payload of the packet; see paragraph 0046). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Milliken's hashing method in Aguilera's invention to detect network worms and viruses (Milliken, title).

29.   For **claims 48, 62 and 75**, Aguilera suggests *determining if a field of said previous DPM*

indicates said packet is said duplicate packet, using said PSV; and determining if a field of said

current DPM indicates said packet is said duplicate packet, using said PSV (the hash value is

used to search all the bit arrays in the bloom filter for a match; see figure 1 item 14).

30.   For **claims 49, 63 and 76**, Aguilera suggests *indicating said packet is not said duplicate*

packet, if said field of said previous DPM indicates said packet is not said duplicate packet and

said field of said current DPM indicates said packet is not said duplicate packet, and indicating

said packet is said duplicate packet, otherwise (if no bit array in the bloom filter matches the

hash value, the request is not considered to be a duplicate request; see figure 1).

31.   **Claims 24, 31-35 50-54, 64-67 and 77-80** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Aguilera in view of Milliken and Cornett as applied to **claims 23, 30, 47, 61**

and 74 respectively above, and further in view of Khansari et al. (US 6,446,131), hereinafter

referred to as Khansari.

32.   For **claim 24**, the combination of Aguilera, Cornett and Milliken does not disclose the

use of DPM addressing and control units. Khansari teaches *a DPM addressing unit coupled to*

said DPM (see col. 7 lines 50-56; The addressing unit provides the PSV to the table.) *and a DPM*

control unit, coupled to control the DPM addressing unit and the DPM (see col. 7 lines 39-45;

The control unit controls the duplicate packet detection/processing.). It would have been

obvious to a person of ordinary skill in the art at the time of the invention to use DPM addressing

and control units in Aguilera's invention to indicate when duplicate packets have been received

(Khansari, col. 7 lines 50-56).

33.   For **claim 31**, the combination of Aguilera, Cornett and Milliken discloses *said DPM*

bank comprises said DPM (bit arrays **26, 28 and 30** are stored in a bloom filter; see paragraph

0016). The combination of Aguilera, Cornett and Milliken does not disclose the use of hit

signals. Khansari teaches the DPM bank comprises the DPM (see col. 7 lines 43-45), the DPM

bank is configured to generate a hit signal (see col. 7 lines 46-50), and the DPM bank is coupled

to receive the PSV from the PSV generator (see col. 7 lines 50-55) and to provide the hit signal

to the packet processing unit (see col. 7 lines 33-43). It would have been obvious to a person of

ordinary skill in the art at the time of the invention to use hit signals in Aguilera's invention to

indicate when duplicate packets have been received (Khansari, col. 7 lines 50-56).

34.   For **claim 32**, the combination of Aguilera, Cornett and Milliken discloses *a value of said*

PSV matches a value stored in a one of said DPMs (see figure 1 step 14). The combination of

Aguilera, Cornett and Milliken does not disclose the use of hit signals. Khansari discloses *said*

hit signal (see col. 7 lines 46-50). It would have been obvious to a person of ordinary skill in the

art at the time of the invention to use hit signals in Aguilera's invention to indicate when

duplicate packets have been received (Khansari, col. 7 lines 50-56).

35.   For **claim 33**, the combination of Aguilera, Cornett and Milliken discloses *bit values of*

said PSV match bit values stored in corresponding locations in a one of said DPMs (see figure 1

step 14). The combination of Aguilera, Cornett and Milliken does not disclose the use of hit

signals. Khansari discloses *said hit signal* (see col. 7 lines 46-50). It would have been obvious

to a person of ordinary skill in the art at the time of the invention to use hit signals in Aguilera's

invention to indicate when duplicate packets have been received (Khansari, col. 7 lines 50-56).

36.   For **claim 34**, the combination of Aguilera, Cornett and Milliken does not disclose a
processor that processes packets using hit signals. Khansari discloses *the packet processing unit
is configured to process the packet using the hit signal* (see col. 7 lines 34-36). It would have
been obvious to a person of ordinary skill in the art at the time of the invention to use hit signals
in Aguilera's invention to indicate when duplicate packets have been received (Khansari, col. 7
lines 50-56).

37.   For **claim 35**, the combination of Aguilera, Cornett and Milliken does not disclose the
dropping of packets based on hit signals. Khansari discloses *the processing includes causing the
packet processing unit to drop the packet based on the hit signal* (see Khansari, col. 7 lines 34-
36). It would have been obvious to a person of ordinary skill in the art at the time of the
invention to use hit signals in Aguilera's invention to indicate when duplicate packets have been
received (Khansari, col. 7 lines 50-56).

38.   For **claims 50, 64 and 77**, the combination of Aguilera, Cornett and Milliken suggests
using multiple DPMs and designating a current DPM as well as inactive and previous DPMs
(see Aguilera, paragraph 0016 and figure 2).

9.   The combination of combination of Aguilera and Milliken does not disclose how the
DPM is portioned. Khansari teaches *designating a portion of the table as inactive or previous
and using a portion as the current DPM* (see col. 8 lines 1-5). It would have been obvious to a
person of ordinary skill in the art at the time of the invention to use active and inactive fields in
the DPM to indicate duplicates in Aguilera's invention to be able to age the DPM table entries
(Khansari, col. 7 lines 64-65).

10.   For **claim 51**, the combination of Aguilera, Cornett and Milliken suggests *using multiple*
DPMs and designating a current DPM as well as inactive and previous DPMs (see Aguilera,
paragraph 0016 and figure 2).

11.   The combination of Aguilera, Cornett and Milliken does not disclose the use of DPM
portions. Khansari teaches *clearing the inactive portion of the DPM prior to using it as the*
current DPM (see col. 8 lines 1-5). It would have been obvious to a person of ordinary skill in
the art at the time of the invention to use active and inactive fields in the DPM to indicate
duplicates in Aguilera's invention to be able to age the DPM table entries (Khansari, col. 7 lines
64-65).

12.   For **claims 52, 54, 65, 67, 78 and 80,** the combination of Aguilera, Cornett and Milliken
suggests *using multiple DPMs and designating a current DPM as well as inactive and previous*
DPMs (see Aguilera, paragraph 0016 and figure 2).

13.   The combination of Aguilera, Cornett and Milliken does not disclose the use of active
and inactive DPM portions. Khansari teaches the act of *periodically reducing the DPM by*
selecting the inactive and active portions of the DPM (see col. 8 lines 1-5). It would have been
obvious to a person of ordinary skill in the art at the time of the invention to use active and
inactive fields in the DPM in Aguilera's invention to be able to age the DPM table entries
(Khansari, col. 7 lines 64-65).

39.   For **claims 53, 66 and 79,** the combination of Aguilera, Cornett and Milliken does not
disclose a period for periodically selecting DPM fields. Khansari further teaches *a period of the*
performing periodically is such that the period is greater than an expected differential between
duplicate packet arrivals and the period is less than a time between packet retransmissions (see

col. 8 lines 6-14). It would have been obvious to a person of ordinary skill in the art at the time

of the invention to periodically select DPM fields in Milliken's invention to be able to age the

DPM table entries (Khansari, col. 7 lines 64-65).

Response to Arguments

40.   Applicant's arguments with respect to **claims 1, 4-10, 17-45, 47-59, 61-72, 74-81, 83, 85

and 87-93** have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

41.   **Claims 7-8, 19-22, 25-26, 40-41, 43 and 93** are objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

42.   **Claims 81, 83, 85, 87 and 88-92** would be allowable if rewritten or amended to

overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

         Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JEFFREY M. RUTKOWSKI whose telephone number is

(571)270-1215. The examiner can normally be reached on Monday - Friday 7:30-5:00 PM EST.

         If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kwang Yao can be reached on (571) 272-3182. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey M Rutkowski/
Examiner, Art Unit 2473

/KWANG B. YAO/
Supervisory Patent Examiner, Art Unit 2473